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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,342	11/08/2001	Mathew Richard Palmer	7310-259	5164

7590 03/19/2002

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EXAMINER

FUNK, STEPHEN R

ART UNIT	PAPER NUMBER
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2854

DATE MAILED: 03/19/2002

3

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/986,342

Applicant(s)
Palmer et al.

Examiner
Stephen Funk

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2854



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Nov 8, 2001
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-12 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☒ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☒ Certified copies of the priority documents have been received in Application No. 09/180,502
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) ✓
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ ✓
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

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The disclosure is objected to because of the following informalities: On page 1 the status of the applications in the continuing data paragraph should be updated. In claim 12 the reference numeral (2) refers to both the tape printer and the tape holding case. Appropriate correction is required.

Claim 11 is objected to under 37 C.F.R. 1.75(a) as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 11 "the recess" and "the upstanding portion" lack proper antecedent bases. Note that claim 11 depends from claim 8, not claim 10.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8 - 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Wouters et al. (US 5,547,298). Wouters et al. teach a tape holding case having recesses (63) and

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upstanding portions (41) for allowing identical cases to be attached. See the paragraph bridging columns 9 and 10 of Wouters et al.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wouters et al. Wouters et al. do not teach the recesses (63) being of a generally rectangular cross section. However, note that the upstanding portions (41) are of a generally rectangular cross section. It would have been obvious to one of ordinary skill in the art to provide the recesses of Wouters et al. with a generally rectangular cross section as a mere matter of design choice.

Claims 8 - 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuda et al. (US 5,145,269) in view of Falconieri et al. (US 4,983,056). Matsuda et al. teach a series of identical tape cases (33a-33c) stacked on one another. See Figures 4 - 7, in particular Figure 7, of Matsuda et al. Falconieri et al. teach the conventionality of means (31) for attaching one tape case to another. See Figures 5 - 7 of Falconieri et al., for example. It would have been obvious to one of ordinary skill in the art to provide the tape cases of Matsuda et al. with means for attaching the case to another in view of Falconieri et al. so as to securely maintain the cases in alignment.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuda et al. in view of Falconieri et al. as applied to the claims above, and further in view of Nozaki et al. (US 5,593,237). Nozaki et al. teach a tape printer in combination with a tape holding case (1) wherein the tape printer has a zone comprising elements (18) for interacting with means (8) of the tape holding case. See Figures 5, 8, and 9 of Nozaki et al., for example. It would have

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been obvious to one of ordinary skill in the art to provide the tape case of Matsuda et al., as modified by Falconieri et al., with means for interacting with the elements of the tape printer in view of Nozaki et al. so as to position the case on the tape printer.

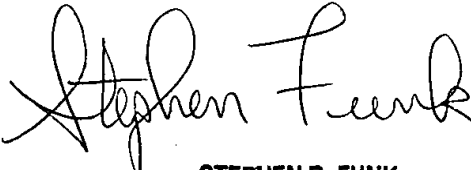
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Funk at telephone number (703) 308-0982. The examiner can normally be reached M - F, except Wednesdays, from 7:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisory, Drew Hirshfeld, can be reached at (703) 305-6619. The fax number for official papers is (703) 308-7722, 7724. Unofficial papers can be faxed directly to the examiner at (703) 746-4393.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist at telephone number (703) 308-0956.

Stephen Funk
March 11, 2002

A handwritten signature in black ink that reads "Stephen Funk". The signature is stylized with a large, looped "S" and a cursive "Funk".

**STEPHEN R. FUNK
PRIMARY EXAMINER**